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Order Filed on January 7, 2025
by Clerk
U.S. Bankruptcy Court
District of New Jersey

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re:	:	
	:	
CUBITAC CORP.,	:	Chapter 11
	:	
	:	Case No. 24-20659 (VFP)
Debtor.	:	
	:	Judge: Vincent F. Papalia
	:	

**ORDER DIRECTING THE APPOINTMENT OF A CHAPTER 11 TRUSTEE AND
OTHER RELIEF**

The relief set forth on the following page(s), numbered two (2) and three (3) is hereby **ORDERED**.

DATED: January 7, 2025



Honorable Vincent F. Papalia
United States Bankruptcy Judge

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Order Directing the Appointment of a Chapter 11 Trustee

These matters having come before the Court upon AVT New Jersey, L.P.'s ("AVT") filing of (1) a *Motion for an Order Appointing a Chapter 11 Trustee under 11 U.S.C. § 1104(a), or, Alternatively, Converting the Case to Chapter 7 under 11 U.S.C. § 1112(b)* (the "**Trustee Motion**"), and (2) a *Motion to Prohibit or Condition Use of Cash Collateral* (the "**Cash Collateral Motion**"), and the Court having entered an Order Shortening Time (ECF 30), and the Debtor having filed opposition, by and through its counsel, Broege, Neuman, Fischer & Shaver LLC and Greenleaf Estates, LLC having filed opposition, by and through its counsel, Trenk Isabel Siddiqi & Shahdanian P.C., and the Court having held a hearing on the Motions on December 12, 2024, and the Court having made certain findings after oral argument, and for good cause shown;

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Trustee Motion and the Cash Collateral Motion are GRANTED, pursuant to the terms and provisions set forth in this Order.
2. Pursuant to 11 U.S.C. §1104(a), the United States Trustee is directed to appoint a Chapter 11 Trustee herein, effective January 24, 2025, subject to the terms herein.
3. No later than December 20, 2024, the Debtor or Cabitac Corp. shall pay \$50,000 to the law firm of Michael Best & Friedrich LLP, counsel for AVT. If such payment is not timely made, the appointment of a Chapter 11 Trustee shall be effective immediately, and the Debtor shall be restricted from using AVT's Mezzanine.

4. No later than January 17, 2024, the Debtor or Cabitac Corp. shall pay \$50,000 to the law firm of Michael Best & Friedrich LLP, counsel for AVT. If such payment is not timely made, the appointment of a Chapter 11 Trustee shall be effective immediately, and the Debtor shall be restricted from using AVT's Mezzanine.

5. The Court will hold a status conference via Court Solutions on January 24, 2025 at 10:00 a.m.

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